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1. **Policy Statement**

1.1 SCRA is an equal opportunities employer, committed to promoting a safe, healthy and productive working environment where all staff have a right to be treated with dignity and respect. It is SCRA’s policy to ensure, as far as reasonably practicable, that all staff have equality of opportunity in terms and conditions of employment and are able to work in an environment free of harassment, bullying, victimisation and/or discrimination.

1.2 All SCRA staff should be treated with respect, regardless of sex, marital status, age, race, ethnic origin, sexual orientation, disability, religion or other difference such as social background, working pattern or trade union activity.

1.3 SCRA acknowledges that unacceptable behaviour can exist within and outwith the workplace and have serious consequences for employees and SCRA as an employer (See Appendix 1 for further details).

1.4 Claims of unacceptable behaviour will be taken seriously and staff will be supported when raising concerns. Any instances of unacceptable behaviour which fall within the scope of this procedure will be dealt with through the disciplinary procedure and may be regarded as gross misconduct.

1.5 SCRA has prepared these procedures in partnership with UNISON and in accordance with best practice and relevant legislation.

1.6 This policy should be viewed in conjunction with SCRA’s Disciplinary Policy and Procedure, Grievance Policy and Procedure, Equal Opportunities Policy, Internet & E-mail Policy, Information Security Policy, Recruitment and Selection Procedure and Staff Code of Conduct.

2. **Aims of Policy**

2.1 The policy aims to:

- create an environment in which unacceptable behaviour is not tolerated;
- ensure that all staff are made aware of what type of behaviour is unacceptable;
- make sure all staff are aware of their responsibilities under the policy and have the necessary skills to prevent unacceptable behaviour in the workplace; and
- ensure that if unacceptable behaviour does occur it is dealt with confidentially and the processes to deal with it are fair, effective and clear to all concerned.

2.2 SCRA will ensure that no employee is victimised for bringing a complaint of unacceptable behaviour in good faith or as acting as a witness or investigator in such a case. It also recognises it has a similar responsibility to the alleged harasser while the matter is under investigation and to ensure a fair hearing for both parties.

3. **Definitions**

3.1 There are many definitions of what constitutes dignity, harassment, bullying, victimisation and discrimination at work and some are given for guidance at Appendix 2. Whether these behaviours are intentional or not, they are unacceptable behaviours and contrary to this policy as well as SCRA’s Equal Opportunities Policy and a range of legislation.

3.2 It is recognised that people have different perceptions about what behaviour they find threatening, unacceptable or distressing. All complaints will therefore be taken seriously.
and not trivialised by an assumption that those making complaints are simply being over-sensitive.

3.3 The fact that there may have been no malicious intent behind the actions does not negate the effect of the actions. Therefore, if an employee complains they have been subjected to unwanted behaviour which has had a detrimental effect on them this will be dealt with in accordance with the procedures outlined in section 6.

3.4 Performance management agreed as reasonable and appropriate by the Director of Human Resources or Human Resources Manager will not be viewed as bullying or harassment.

3.5 Appendix 3 provides a self-diagnosis tool for what may constitute unacceptable behaviour.

4. Roles and Responsibilities

4.1. All staff:
- are required to comply with this policy and to take appropriate measures to ensure such conduct does not occur. Unacceptable behaviour is a disciplinary offence which may constitute gross misconduct and result in the offender’s dismissal.
- should report any unacceptable behaviour that comes from any person whether another member of SCRA staff, clients, visitors or employees of other organisations.
- who are not the subject of the unacceptable behaviour but witness it and feel intimidated are entitled to complain to the alleged harasser/bully or make their concerns formal if required.
- have a responsibility to act appropriately whilst in the course of their employment. This policy covers work related events regardless of the fact that these may be held outside the organisation’s premises and in staff member’s own time.

4.2. Managers have a duty to establish and maintain workplaces that are free from unacceptable behaviour. They also have a responsibility to make staff aware of what constitutes unacceptable behaviour, to be alert to conduct or behaviour which may contribute to incidents of unacceptable behaviour and to take prompt action to stop unacceptable behaviour as soon as it is identified.

4.3 The Senior Management Team is committed to the principles of this policy and have a responsibility for ensuring that organisational culture supports all employees throughout their employment with SCRA.

4.4 The Director of HR is responsible for ensuring, in partnership with UNISON, the implementation and development of this procedure on an ongoing basis as well as ensuring appropriate training is provided to Dignity Advisers, Managers, UNISON representatives and HR staff.

4.5 Dignity Advisers are SCRA staff who have undergone specific training in this area. The Advisers’ role is to listen to staff’s concerns on bullying and harassment and provide information, impartial support and advice. Occasionally, some incidents will be so serious that the Advisers will have a responsibility to report them either to Senior Management, Human Resources Team or where significantly serious, the Police. The Dignity Advisers names will be available on the intranet under Human Resources/Organisational Development or can be contacted through the Human Resources Team or UNISON Representatives. Staff are encouraged to contact a Dignity Adviser where required. All contact is confidential and carries no obligation to
take a complaint further. Dignity Advisers are volunteers and receive no additional remuneration for their duties. Time off to undertake this role will be authorised in agreement with their Manager. Training for Advisers will be provided by SCRA as required.

5. **The Process for Challenging Unacceptable Behaviour**

5.1 Unacceptable behaviour may occur between individuals in any situation and at any level. It includes issues between colleagues, between managers and team members, with service users and with external organisations.

5.2 Staff who believe that they are subject to unacceptable behaviour should try to maintain a diary of incidents of alleged unacceptable behaviour which includes the time, date, place and nature of the incident, how they felt at the time, their response and the names of any witnesses present. A record of behaviours would be helpful to the member of staff if raising a formal complaint. Where possible, the member of staff should advise the alleged harasser/bully that they find the behaviour unacceptable and ask them to stop.

5.3 Where the alleged harasser/bully is not an employee of SCRA, staff should discuss their concerns with their line manager, who will investigate the matter. The HR team can provide the line manager with support and advice on resolving the issue. If the individual is an employee of an agency engaged by SCRA, the Human Resources Manager should be made aware of the issue immediately.

5.4 Following investigation of incidents arising under 5.3, examples of measures which may be taken by a line manager or SCRA could include:

- Not requiring the individual to work with the alleged harasser/bully;
- Reviewing security arrangements for a particular office;
- Screening of e-mail by Information Services;
- Phone numbers being changed or screened;
- Changing the way a service is provided;
- Raising the concerns with the alleged harasser’s manager and asking them to investigate the matter and respond formally to SCRA on it;
- Advising the member of staff on how to access the Employee Assistance Programme (ICAS);
- Support in making a statement to the Police or organising an interdict e.g. in the case of physical assault or stalking.

5.5 Where the alleged harasser/bully is an employee of SCRA, unacceptable behaviour may be best dealt with informally as the alleged harasser/bully may be unaware that their behaviour is causing offence. The aim of the process is to, where appropriate, resolve the issues as informally as possible. If that is inappropriate or unsuccessful, then mediation should be considered as the next option. If the issue appears to be serious then the formal process may be invoked without first following the informal process.

The nature and type of the harassment will usually determine what part of the process should be followed. Advice should be taken from Human Resources in all cases. The processes are outlined below.

6. **Informal Process**

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6.1 The complainant must consider how they wish to approach the person behind the unacceptable behaviour. Options include:

- talk directly to them. This will involve explaining what behaviour they find unacceptable and that they want it to stop;
- write to them. Again this will involve explaining what behaviour they find unacceptable and that they want it to stop;
- approach someone for support. For example, this might include a Manager, an HR Adviser, a UNISON representative or a Dignity Adviser.

The employee contacted for support will then:

- Meet with the complainant in a mutually agreed private environment
- Listen to what the complainant has to say
- Discuss and explain the options available to the complainant
- Help the individual to decide whether or not to pursue the complaint and which route to take, i.e. the informal process, mediation or a formal approach
- Provide support if the complainant requires it
- Start to complete a confidential unacceptable behaviour monitoring form (see Appendix 4).

6.2 If the complainant chooses to follow the informal process then they or their support should notify their line manager of the allegation unless they are involved in it, in which case, the next level of manager should be advised of the circumstances. In all cases, the Human Resources Team should be advised of a potential complaint.

6.3 The line manager (or next level manager) and a member of the Human Resources Team should meet with the complainant to ascertain the details of the alleged harassment and identify what course of action they wish to take. The alleged harasser/bully should be advised of the complaint against them and invited to respond. Where appropriate, both parties should be offered the opportunity to undertake the process of mediation in an attempt to resolve the issues informally. A record should be maintained of all meetings/discussions with both the complainant and the alleged harasser/bully.

6.4 Mediation

Mediation is a process of bringing together two parties in dispute to air their differences in a constructive manner in order to identify a way forward. The process is facilitated by a trained mediator. Mediation in unacceptable behaviour cases may lead to a timely resolution of the issues, hence reducing the negative effects on all concerned.

Trained mediators are available within SCRA and arrangements for mediation can be progressed through the HR Team. Both parties need to be clear that mediation is an independent, confidential and impartial facilitative process, which has no legal authority. The process is intended to facilitate an informal settlement of the issues raised. Both parties must be willing to proceed with mediation. The process to be followed will be determined by the mediator based on the circumstances of the case. Both parties may have support as outlined earlier.

Should there be concerns about the health of either of the parties involved then SCRA’s Occupational Health Provider should provide advice as to whether the individual is fit to be at work and participate in the mediation process.

6.5 Employee Assistance Programme
ICAS is an external organisation which provides an Employee Assistance Programme to SCRA employees. Part of this service is the provision of a free confidential telephone counselling and advice service to:

- staff who feel they have been harassed/bullied;
- managers who are supporting staff who feel they have been harassed/bullied;
- staff who are accused of harassment or bullying.

ICAS can be contacted 24 hours a day on freephone 0800 072 7 072.

6.6 If the informal stage is unsuccessful, or the matter is more serious, the Formal Process will then apply, as outlined below.

7. **Formal Process**

7.1 An employee may make a formal complaint by writing to their immediate line manager or, if the matter involves the line manager, to the next level of manager. Alternatively an employee may submit the written complaint to the Human Resources Manager.

Concerns should be raised at or around the time of an incident occurring. If the latest incident occurred within 3 months of the informal process commencing or a formal complaint being received it will automatically be considered. If it falls outwith this timescale advice must be sought from the Human Resources Manager before proceeding.

SCRA’s Disciplinary Procedure will be followed at this stage. Please refer to SCRA’s Disciplinary Policy and Procedure, and the Manager’s Guide to Conducting an Investigation for further details. In addition, a monitoring form (Appendix 4) will be started if the formal process was not preceded by the informal stage.

All employees have the right to be accompanied/represented during formal Dignity at Work, Disciplinary or Grievance proceedings. The companion can be a colleague or UNISON Representative. Although there is no specific right to be accompanied by a relative, it should be recognised that in some circumstances this may be appropriate. In all cases employees must be advised in writing of their right to representation. If the employee involved in the issue is a UNISON representative, the matter should be discussed with Human Resources and the Full-Time UNISON Official should be advised before the employee is interviewed.

If a Disciplinary Hearing is convened care should be taken that the victim does not unnecessarily have to state repeatedly in evidence the circumstances leading to the complaint.

Appendix 5 provides a flow chart of the informal and formal process.

7.2 **Police Investigations**

Any police investigation will take priority over SCRA internal investigations. SCRA investigating officers must not hamper any police investigations and be willing to take advice from the police. However, internal investigations may continue, if appropriate, during police investigations.

The Principal Reporter (or in their absence the Director of Reporter Operations) must be informed of all police investigations.
Care should be taken to ensure no evidence which may be required by police is deleted or destroyed, such as letters, electronic documents/files, e-mails, text messages, missed call records on mobile phones, CCTV video evidence etc. Paper and electronic copies of electronic harassment should be made available where possible.

7.3 Unsatisfactory Resolution
If the complainant considers that their complaint has not been resolved to their satisfaction they have recourse to the appropriate stage of SCRA’s Grievance Policy and Procedure.

7.4 Suspension/ Redeployment
When there is a need to apply a suspension or temporary redeployment during an investigation into unreasonable behaviour the employee behind the alleged unreasonable behaviour should normally be the employee who is suspended or moved. Suspension will be on full pay. In all cases HR advice must be sought before a decision is taken.

If in addition to disciplinary action, redeployment is seen as part of the solution to the problem then the alleged harasser/bully of the unreasonable behaviour should normally be the employee to be redeployed. In all cases, HR advice must be sought before a decision is taken.

8. Monitoring and Review

8.1 Monitoring is necessary to ensure the effectiveness of this strategy to challenge and eliminate harassment and bullying. By monitoring the strategy, SCRA will be able to establish the types and severity of incidents, how they were resolved and the areas in which they occur.

Human Resources will monitor the number and outcome of complaints raised under the Dignity at Work Policy and Procedure. Anonymised data will be shared with UNISON, the Executive Management Team and other external parties as appropriate. See Appendix 4 for an example of the monitoring form.

8.2 This policy will be reviewed by the Director of HR regularly to ensure continued compliance with legislation and best practice. SCRA or UNISON may propose amendments at any time by writing to the Director of HR.
The Effects of Unacceptable Behaviour

On the Individual
Those who experience unacceptable behaviour in a work environment may experience the following symptoms:

**Physical**
- Backache due to tension
- Loss of Energy
- Lethargy
- Migraine/severe headaches
- Nausea
- Palpitations
- Skin complaints
- Sleeplessness
- Sweating/shaking
- Stomach problems e.g. Ulcers

**Emotional**
- Anger/irritability
- Acute anxiety
- Depression
- Feeling isolated
- Lack of motivation
- Loss of confidence/self esteem
- Mood swings
- Panic attacks
- Suicidal thoughts

Unacceptable behaviour may cause fear and paranoia, substance misuse, lead to self doubt, affect performance and often lead to sickness/absence. Individuals’ mental and physical health can be damaged irreparably which may impact on their families, friends and careers.

On the employer
Where unacceptable behaviour is allowed to continue, the work environment deteriorates and there may be:

- Growing resentment and fear
- Poor working relationships
- Demotivation and unfulfilled personal and work potential amongst employees

These may result in:
- increased absenteeism and employee turnover resulting in costly retraining and service pressures
- difficulties in recruiting due to a poor public relations image
- a reduction in service provision
- increased legal cases and costs
- damage to the credibility of the organisation.
Appendix 2

Definitions and Examples

**Dignity:** means that an employee has the right to be treated with respect and not suffer any harassment or bullying or any act, omission or conduct which causes him/her to be alarmed or distressed including but not limited to any of the following:

- behaviour on more than one occasion which is offensive, abusive, malicious, insulting or intimidating;
- unjustified criticism on more than one occasion;
- punishment imposed without reasonable justification; or
- changes in duties or responsibilities of the employee to the employee’s detriment without reasonable justification. (Dignity at Work Bill [HL] 2001)

**Harassment:** is unwanted behaviour that has the effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

1. **Racial Harassment** – any abusive or otherwise unwanted behaviour on the grounds of a person's race, nationality, colour or ethnic origin, which is offensive to the person involved and causes that person to feel threatened, humiliated, embarrassed or patronised. Examples include:

   - Racial physical or verbal abuse
   - Racist graffiti, slogans, political badges etc
   - Offensive jokes or banter of a racial nature
   - Using an offensive manner in communication, which is not used with others
   - Isolating or excluding
   - Denying opportunities for promotion or development
   - Unreasonable pressure to perform.

2. **Sexual Harassment** – abusive, unwanted, uninvited, unreciprocated or unwelcome behaviour of sexual nature, which is offensive to the person involved and causes that person to feel threatened, humiliated, embarrassed or patronised. Examples include:

   - Unnecessary and unwanted physical contact i.e. touching, patting/body contact in passing
   - Verbal abuse, suggestive and unwelcome remarks, jokes, comments about appearance and private life
   - Making requests or demands for sexual favours, including implied or overt promises of preferential treatment, or threats concerning present or future employment status.
   - The display of sexually offensive visual material in a workplace, such as pinups, calendars, books, videos etc
   - Making comments or suggestions which are lewd and/or lascivious
   - Denying opportunities for promotion or development
   - Intrusion by pestering, spying or stalking
   - Unreasonable pressure to perform.

3. **Sexual Orientated Harassment** – unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person on the grounds of sexuality. Examples include:

   - Making sexual threats and intimidation

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• Verbal abuse, suggestive and unwelcome remarks, jokes, comments about appearance and private life
• Isolating gay, lesbian or bisexual staff
• Making comments or suggestions which are lewd and/or lascivious
• Isolation or non-cooperation and exclusion from social activities
• Denying opportunities for promotion or development
• Using an offensive manner in communication, which is not used with others
• Unreasonable pressure to perform.

4. Harassment on the grounds of Disability – abusive, unwanted, uninvited, unwelcome and unjustifiable behaviour on the grounds of a person’s perceived or actual disability, which is offensive to the person involved and causes that person to feel threatened, humiliated, embarrassed or patronised. Examples include:

• Verbal, including derogatory statements which are found to be objectionable and offensive; offensive jokes, comments on appearance or ability
• Physical, including jostling, mistreating or assaulting, gestures, or offensive correspondence
• Mimicking a disabled person’s speech, movements or mannerisms
• Excessive staring
• Denying opportunities for promotion or development
• Excluding from workplace activities and social events
• Unreasonable pressure to perform.

5. Harassment on the grounds of Religion or Belief – violation of a person’s dignity or creation of an environment that the person finds intimidating, hostile, degrading, humiliating or offensive. Examples include:

• Physical abuse
• Offensive language
• Religious jokes and banter
• Offensive imagery.

Bullying:
• Unwarranted humiliating and/or offensive behaviour towards an individual or groups of employees.
• Such persistently negative malicious attacks on personal or professional performance are typically unpredictable, unfair, irrational and often unseen by others.
• An abuse of power or position that can cause such anxiety that people gradually lose belief in themselves, suffering physical ill health and mental distress as a direct result.
• Bullying can be regarded as the use of power or position to coerce others by fear, persecution or oppress them by force or threat.

Examples of Bullying
• Persistent or disparaging comments or remarks, often in front of others
• Setting impossible deadlines/demands or deliberately not providing appropriate or challenging work
• Applying standards or rules that do not apply to others
• Excessive monitoring
• Unjustified excessive criticism of minor errors
- Shouting and/or direct verbal or physical threat
- Ostracism
- Imposing unfair sanctions
- Humiliation in front of others
- Insensitive jokes or pranks
- Withholding of information required to do tasks

Victimisation: When someone is treated less favourably because they have complained about unacceptable behaviour, have given evidence for another employee when they have complained or have been involved in the investigation of reported unacceptable behaviour.

Discrimination:
- Direct Discrimination is treating someone less favourably on the basis of sex, marital status, pregnancy, age, race, ethnic origin, sexual orientation, disability, religion or belief.
- Indirect Discrimination is where a requirement or condition is applied equally to all groups of people but has a disproportionately adverse affect on one particular group.
Self-Diagnosis of Unacceptable Behaviour

If you have any doubts as to what is or is not acceptable behaviour, it may help you to consider the following:

Would your actions or behaviour be acceptable to:

- Your spouse or partner;
- Parents;
- A colleague; or
- A member of the general public if reported as a “bad news” story in the national/local press.

At work, would your actions or behaviour be acceptable if they were witnessed by:

- Your own or another SCRA manager;
- A UNISON representative;
- A member of Human Resources.
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<td>Victimisation</td>
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| **Date of first contact:** | **Approx. time to date spent on case:** |

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<td>Sex</td>
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UNCLASSIFIED – Internal Use Only
SCRA INFORMAL/FORMAL PROCESS FOR DEALING WITH UNACCEPTABLE BEHAVIOUR

APPENDIX 5

INFORMAL STAGE

Initial Steps
The employee contacts a manager, UNISON representative, HR manager or Dignity Adviser to discuss options.

Options Include approaching the individual behind the unacceptable behaviour, Seeking advice and support etc.

MEDIATION

Both parties to meet with a Mediator to facilitate agreement.

The views of both sides are aired confidentially with the aid of the Mediator.

Agreement
Agreement recorded and a review process agreed.

Disagreement
No action. Agree to take the matter no further.

FORMAL STAGE

Consider if the Police should be informed.
If yes, then

Investigate using disciplinary procedure.

Await Police instructions.

Investigation report
Approp. Manager decides next course of action.

Disciplinary Hearing held
Evidence heard and decision made as to any action.

No disciplinary action
No action. Agree to take the matter no further.

Debrief parties as appropriate

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